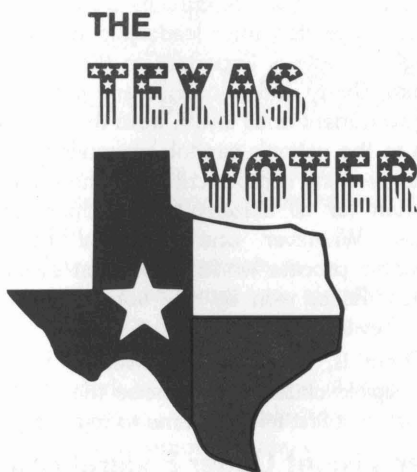




Texas Agricultural Extension Service



A Handbook for Voters

Revised to reflect changes in the Election Code, by the 70th Legislature, effective September 1, 1989.

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The Texas Voter A Handbook for Voters

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Importance of Voting

The right to vote has been called the most precious right given to those who live in a democracy. In a democracy, the vote determines who the leaders will be and what direction their leadership will take. Exercising the right to vote is important to the spirit of American freedom, liberty, independence and justice and to insure that government at all levels, from the city hall and courthouse to the nation's capitol, responds to the will of the people. Nothing is more critical to the survival of the nation than for all citizens to participate in the voting process. Whatever one's political convictions, the democratic process works best when every citizen participates. Races won by one vote evidence the importance of every vote.

There is, however, an essential first step before every eligible citizen can exercise the right to vote. He and she must first take the time to register.

Voter's Right Under Federal Law

In Texas, as in all states, citizenship is a requisite for suffrage. Section 1 of the 14th Amendment to the United States Constitution defines citizens: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." With the exception of three broad restrictions in the national Constitution, full responsibility for determining voter qualification is left to the state. The 14th Amendment to the Constitution precludes the imposition by a state of voting standards which are discriminatory in nature. The 15th Amendment to the Constitution declares that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state because of race, color, or previous condition of servitude. Additionally, the 19th Amendment to the Constitution declares that

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the right to vote shall not be denied or abridged by the United States or by any state because of sex. The 26th Amendment to the Constitution that became valid in 1971 declares that the right to vote of citizens of the United States who are 18 years of age or older shall not be denied or abridged by the United States or by any state because of age.

Voter Qualifications Under Texas Law

Even though the U.S. Constitution addresses citizen's voting rights, it is the separate states that determine voter qualifications. These qualification may vary among states. In Texas, Sections 11.001 and 11.002 of the Election Code provide the following requirements:

1. The person must be a citizen of the United States.
2. The person must be a resident of Texas, of the county, of the municipality or other political subdivision covered by the election.
3. The person must be at least 18 years of age on the day of the election.
4. The person must be registered to vote.

Persons Not Qualified to Vote in Texas

Section 11.002 of the Texas Election Code further provides that the following persons are not qualified to vote:

1. Someone who has been determined mentally incompetent by a final judgment of the court.
2. Someone who has been convicted of a felony. It should be noted that such a person may become eligible to vote if he has been pardoned, had his rights restored by other official action, or 2 years have elapsed from the date of the completion of his sentence including time for probation or parole (if any).

Registration Requirements

An eligible voter who has not registered may do so in person at any time the county registrar's office is open or apply for registration by mail. The Texas Election Code provides that a person is entitled to register as a voter in the precinct of legal residence if he or she:

1. Is a citizen of the United States on the date of application for registration, and is subject to none of the fore mentioned disqualifications.
2. Is at least 17 years and 10 months of age on the date the registration application is submitted to the voter

registrar. However, the registrant may not vote until 18 years of age.

Every applicant must submit a written application to the registrar as provided by the Texas Election Code. Applications are available to individuals, organizations, businesses and political subdivisions in reasonable quantities. All voter registration applications used in the State of Texas are fully bilingual. No fee is charged for applications. A husband, wife, father, mother, son or daughter may act as agent for a qualified person in applying for registration, may sign for the applicant and may receive the registration certificate. No person other than those mentioned may act as agent for a person in applying for registration.

A voter registration application is deemed to have been received by the voter registrar when it is placed in the mail. A postmark is prima facie evidence of that date.

Upon receiving a voter registration application, the voter registrar will determine if the applicant is qualified to vote. If there are no disqualifications, the applicant will receive a voter registration certificate within 30 days from the date the voter registrar received the application. Upon receiving the certificate, it should be checked for errors, signed and placed in the voter's wallet. It is important that the voter has his voter certificate with him when going to the election poll to vote. If a voter loses or accidentally destroys his voter certificate, he may acquire another one by submitting a written and signed statement of the loss or destruction to the voter registrar.

Registrar of Voters

Unless the county commissioners court designates some other agent, the county tax assessor-collector is the registrar of voters in each county. The county commissioners court may designate the county clerk or elections administrator to be the registrar of voters for that county. The registrar is responsible for the registration of voters, the preparation of lists of registered voters and other duties incident to voter registration.

The 65th Legislature enacted legislation authorizing the creation of the office of county elections administrator. The law allows the commissioners court in any county to appoint a county elections administrator. A county elections administrator who has been duly appointed and who has qualified shall assume and thereafter perform all the duties and functions formerly performed by the registrar of voters in the county.

Absentee Voting

The Texas Election Code provides that any qualified voter is eligible to vote absentee by personal appearance. Additionally, the following persons are qualified to vote absentee by mail:

1. A qualified voter who is 65 years of age or older on election day.
2. A qualified voter who is forbidden by religious conviction to vote on election day.
3. A qualified voter who is confined in jail is entitled to vote absentee by mail under certain circumstances identified in Section 82.005 of the Texas Election Code.
4. A qualified voter who has a sickness or physical condition that prevents him or her from appearing at the poll on election day.
5. A qualified voter who expects to be absent from his/her county of residence on election day and during the period for absentee voting by personal appearance.

The county clerk will serve as the absentee voting clerk for general elections, primary elections, special elections ordered by the governor and any other county wide election held at the county's expense. The city secretary is the absentee voting clerk for an election ordered by an authority of the city.

No application is required to vote absentee by personal appearance. However, application for absentee voting by mail must be made with the absentee voting clerk. Generally, the law provides that application must be made during a period starting with the 60th day and ending with the 7th day before an election. An applicant who has requested to vote absentee by mail will receive an official ballot from the election clerk on or soon after the 20th day before the day of the election. The ballot should be voted and mailed to the absentee voting clerk in the official carrier envelope provided. The ballot must be received by the clerk before the close of the polls on election day. Generally, those voters authorized to vote absentee by personal appearance may do so during a period beginning on the 20th day and ending on the 4th day before the primary or general election. In the case of a run-off primary election, the period begins on the 10th day before the election day. Persons who wish to vote absentee by personal appearance may do so at the main absentee polling place or branch locations, if any.

Election Year

Primary elections are held the second Tuesday in March, every 2 years in even-numbered years. If a candidate for a particular office does not receive a majority of all the votes cast for the candidate for that office, the individuals receiving the two highest votes for the office will run against each other in the second or run-off primary held the second Tuesday in April. Party nominees in the first or second primary are included on the November general election ballot of the same year.

A general election is required to be held on the first Tuesday after the first Monday in November and every 2 years thereafter at such places as prescribed by law after notice prescribed by law. Special elections are held at such times and places as are fixed by law. In all elections – general, special, or primary – the polls are required to be open from 7:00 a.m. to 7:00 p.m.

Issues which may be included on the ballot of the general election are the election of national, state and county office holders. Proposed constitutional amendments referred to as propositions may also appear on the ballot.

Every fourth even-numbered year, the national nominees for president and vice-president of the qualifying political parties are included on the ballot. A vote for the national nominees of a party is considered a vote for the electors of the party although the names of the electors are not included on the ballot.

This publication is designed to provide accurate and authoritative educational information regarding the subject matter covered. It is distributed with the understanding that the publisher is not engaged in rendering legal services.

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